

SUPPORT FOR THE AMENDMENTS

Claims 1, 2, 4, 8 and 10-12 are amended to use wording and structure consistent with U.S. patent law practice.

Claim 1 is amended to include the description of original Claim 2.

Claim 2 is herein canceled.

Claims 3 and 4 are amended to depend from Claim 1.

Claim 6 and 8-11 are amended to delete multiple dependencies.

No new matter will be added to this application by entry of this amendment.

Upon entry of this amendment, Claims 1 and 3-12 are active.

REMARKS/ARGUMENTS

The claimed invention is directed to a pantethine particulate for a solid dosage form. Such a form which is free flowing, does not agglomerate, is stable in storage and can be easily manufactured is sought.

The claimed invention addresses this problem by providing a particulate comprising: pantethine, a light anhydrous silicic acid and a microcrystalline cellulose, wherein an adsorptivity is 0.6 or higher, and adsorptivity is a ratio of a total of a weight of the light anhydrous silicic acid and a light anhydrous silicic acid weight equivalency, relative to pantethine absorption, of the microcrystalline cellulose, to a weight of the pantethine. No such particulate composition is disclosed or suggested in the cited reference.

Applicants wish to thank Examiner Palenik and Supervisory Examiner Woodward for the constructive and courteous discussion of the above-identified application with Applicants' U.S. representative on February 26, 2008. At that time amendments to the claims to better describe the claimed invention and to use wording and structure consistent with U.S. patent law practice were discussed. The following reiterates and expands upon that discussion.

The rejection of Claim 1 under 35 U.S.C. 102(b) over Murakami et al. (WO 98/02185) is respectfully traversed.

Murakami does not disclose or suggest a particulate of pantethine, a light anhydrous silicic acid and a microcrystalline cellulose as described in Claim 1 of the present invention.

Murakami is directed to a compression molded form such as a tablet (Claim 13) which rapidly disintegrates in the oral cavity. The composition contains an excipient, **erythritol**, a medicinal agent and various agents used for the manufacture of a tablet such as a lubricant, a disintegrator, a binder, colorant and surface active agent, as examples. Nowhere does this reference disclose or suggest a particulate comprising pantethine, a light anhydrous silicic acid and a microcrystalline cellulose, **wherein an adsorptivity is 0.6 or higher**, and adsorptivity is a ratio of a total of a weight of the light anhydrous silicic acid and a light anhydrous silicic acid weight equivalency, relative to pantethine absorption, of the microcrystalline cellulose, to a weight of the pantethine.

Applicants have defined and described the term “adsorptivity” beginning on page 4, line 10, and bridging to page 5, in the specification. Sample calculations are shown therein and the values for each of the examples are given in Tables 2, 3 and 4.

Applicants respectfully submit that a proper finding of anticipation requires that “[e]very element of the claimed invention ... be literally present, arranged as in the claim. *Perkin-Elmer Corp.*, 732 F.2d at 894, 221 USPQ at 673; *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 771-72, 218 USPQ 781, 789 (Fed. Cir. 1983), *cert. denied*, 465 U.S. 1026 [224 USPQ 520] (1984). The identical invention must be described in as complete detail in the reference as is described in the claimed invention.

In view of the foregoing, Applicants respectfully submit that Murakami does not meet the requirement for anticipation and withdrawal of the rejection of Claim 1 under 35 U.S.C. 102(b) over Murakami et al. is respectfully requested.

In addition, Applicants respectfully submit that this reference neither suggests nor provides any motivation for modification to derive the particulate composition of the claimed invention. Therefore, Applicants also respectfully submit that Murakami cannot render the claimed invention obvious.

The rejection of Claims 1-7 under 35 U.S.C. 103(a) over Murakami is respectfully traversed.

The primary deficiency of this reference relative to Claim 1 of the present invention is described above. Claims 2-7 all depend directly or indirectly from Claim 1. The reference cannot cure its own deficiency and therefore, Applicants respectfully submit that it cannot render the claimed invention obvious.

Withdrawal of rejection of Claims 1-7 under 35 U.S.C. 103(a) over Murakami is therefore respectfully requested.

The rejection of Claims 1-3, 6 and 7 is obviated by appropriate amendment. The phrase “substantially comprising” in Claim 1 has been amended to “comprising.”

The objection to Claims 8-12 under 37 C.F.R. 1.75(c) is obviated by appropriate amendment. Multiple dependencies have been removed from Claims 8-12.

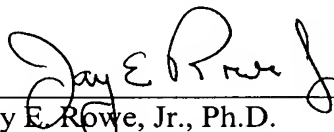
The title in the specification is amended to be the same as the title on the Application Data Sheet.

Application No. 10/529,207  
Reply to Office Action of January 2, 2008

Applicants respectfully submit that the above-identified application is in condition for allowance and early notice of such action is earnestly solicited.

Respectfully submitted,

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A handwritten signature in dark ink, appearing to read "Jay E. Rowe, Jr.", is written over a horizontal line.

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